

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:

Lucia Giovanola et al.

Art Unit: 1792

U.S. Patent Application No.: 10/538,743

Examiner: Vinh, Lan

Confirmation No.: 5520

Filed: June 14, 2005

Atty. Docket No.: 82652-243259

For: INK JET PRINthead AND RELATIVE  
MANUFACTURING PROCESS

Customer No:

**26694**

PATENT TRADEMARK OFFICE

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
CALCULATION UNDER 35 U.S.C. 154(b)(3)(B)(ii) AND 37 CFR 1.322(a)(4)**

MS Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the Patent Term Adjustment (PTA) calculation for the above-identified application, because the term adjustment may be shorter than indicated.

Applicants are timely submitting this request within one month of the “Decision on Request for Recalculation of Patent Term Adjustment In View of Wyeth and Notice of Intent to Issue Certificate of Correction” dated April 21, 2010 in compliance with 35 U.S.C. 154(b)(3)(B)(II) and 37 CFR 1.322(a)(4).

## I. Fees

Under 35 U.S.C. § 254, Applicants do not believe any fees are due as the error discussed below stems from an error by the U.S. Patent and Trademark Office. But in the event that such fees are necessary, the Office is authorized to charge our deposit account number 22-0261, referencing our docket number 82652-243259.

## II. Statement of Facts

The patent stemming from the above-identified application issued on September 29, 2009. The “Decision on Request for Recalculation of Patent Term Adjustment In View of Wyeth and Notice of Intent to Issue Certificate of Correction” dated April 21, 2010, indicates a Patent Term Adjustment of **1184** days. However, in view of the prosecution history, Applicants believe that the correct determination is currently **1112** days.

Applicant believe that the application is entitled to the delays as follows:

| Number of PTA Days | Dates  |
|--------------------|--|
| + 694 days (A)     | Days between <u>August 14, 2006</u> and <u>July 8, 2008</u> : This represents the delay of the Patent Office from the 14 month after the filing date of the application to the first Action by the Patent Office (note, the first Action was originally mailed to the <u>incorrect correspondence address</u> on May |

|                             |  |
|-----------------------------|--|
|                             | 21, 2008, but the Office subsequently re-mailed the first Action on July 8, 2008 and re-set the time period for response).   |
| - 30 days (Applicant Delay) | Days between <u>October 8, 2008</u> and <u>November 7, 2008</u> : This represents the Applicant's 30 day delay in submitting a response to the July 8, 2008 Non-Final Office Action. |
| + 472 days (B)              | Days between <u>June 14, 2008</u> and <u>September 29, 2009</u> : This represents the time period from 3 years after filing of the application until issuance of the patent.         |
| - 24 days (A/B Overlap)     | Days between <u>June 14, 2008</u> and <u>July 8, 2008</u> : This represents the overlap in the "A" delays and "B" delays indicated above.  |

Applicant therefore respectfully requests the U.S. Patent and Trademark Office to review the PTA calculation and advise the undersigned of the result. It is respectfully submitted that the application is entitled to 1112 days ( $694 - 30 + 472 - 24 = 1112$  days).

Dated: May 21, 2010

Respectfully submitted,

By /Steven J. Schwarz/

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